S.B. CRIMINAL JAIL REVISION NO.1166/2006

Nanu Ram
Vs.
State of Rajasthan

Date of Order :: 12-07-2007

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Jitendra Ojha, Amicus Curie.
Mr. Ashok Upadhyay, Public Prosecutor.

The Convict Nanu Ram has filed the instant criminal revision through Superintendent(Jail), Udaipur challenging the judgment and order dated 19.5.2006 passed by the Sessions Judge, Rajsamand (for short, 'the appellate Court') dismissing the appeal filed by the petitioner against the judgment and order dated 9.12.2005 passed by the Chief Judicial Magistrate, Rajsamand.

Heard learned counsel for the petitioner and the Public Prosecutor and carefully gone through the judgment and order passed by the appellate court as also the record of the trial court.

A report was lodged by PW-2 Fateh Chand on 25.3.2001 and police registered a crime report for the offence under Section 379 IPC with the allegation that the petitioner committed a theft of Jeep bearing Registration no.RJ 30 C, 0723. The police investigated the matter and arrested the

petitioner. While in custody, the petitioner furnished information to PW-1 Bahadurmal, the Investigation Officer under Section 27 of the Evidence Act to get the jeep recovered from the place Kotdi-Bhilwara Road.

It appears that during trial of the case, petitioner voluntarily admitted the charge Ex.P/9 and accepted the guilt before the trial Court. Prosecution examined the Investigation Officer PW-1 Bahadulmal, PW-2 Fatehchand, PW-3 Sunil, PW-4 Narpat Singh, PW-5 Kailsh Chandra, PW-6 Lalit Kumar and PW-7 Ramesh Chandra.

The trial court on appreciation of the evidence produced by the parties convicted the petitioner for the offence under Section 379IPC and sentenced him to undergo for a period of three years with a fine of Rs.2000/-, in default of payment to further undergo three months simple imprisonment.

From the record, it appears that the petitioner had been in custody from 27.3.2002 to 1.8.2002 and 4.3.2004 to 9.12.2005 till he has been released after undergoing the complete sentence. In my view, the conclusion arrived at by the court below cannot be said to be erroneous. It has been reported that the petitioner has suffered imprisonment of the sentence awarded to him and has

been released from the Jail as stated by the Public Prosecutor.

In this view of the matter, I do not find any merit in the revision petition and the same is hereby dismissed.

[H.R.PANWAR],J.

Praveen